

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

CASE NO. 05-72434

HON. LAWRENCE P. ZATKOFF

D-1 DONALD SISTRUNK,

Defendant/Petitioner.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is currently before the Court on Magistrate Judge Pepe's Report and Recommendation in which the Magistrate Judge recommends (1) that Petitioner's Motion to Set Aside his Guilty Plea be DENIED and (2) that a Certificate of Appealability should not be issued. On June 13, 2006, Petitioner filed an objection to the Magistrate's Report and Recommendation.

After a thorough review of the court file, Petitioner's Motion and the Government's Response, the Magistrate's Report and Recommendation, and Petitioner's Objections, this Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court. Accordingly, the Court HEREBY DENIES Petitioner's Motion to Set Aside his Guilty Plea. Additionally, the Court finds that a Certificate of Appealability should not be issued.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: June 22, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 22, 2006.

s/Marie E. Verlinde

Case Manager

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